

CENTRAL VALLEY FLOOD PROTECTION BOARD

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February 8, 2010

Lieutenant General Robert L. Van Antwerp
Commander and Chief of Engineers
United States Army Corps of Engineers
441 G Street, Northwest
Washington, DC 20314-1000

Subject: Policy Guidance on Variance for Vegetation on Levees and Floodwalls

Dear General Van Antwerp:

I hope this letter finds you well. We here in California are enjoying the winter rains that thankfully have come frequently enough to help with our short water supply but not too frequently to cause major flooding.

A number of months ago as The California Levees Roundtable worked diligently to develop "California's Central Valley Flood System Improvement Framework," Mr. Edward Hecker informed the group that the Corps would be clarifying the process to obtain a variance from vegetation standards for levees. In March of 2009, after nearly two years of collaborative work, all members of the Roundtable agreed to and adopted the Framework as a way forward. On January 25, 2010, the Central Valley Flood Protection Board forwarded our first progress report on the Framework to Colonel Thomas Chapman. The progress report documents the State's significant accomplishments toward meeting the commitments made in the Framework.

As you may recall, your visit here to the Central Valley was the catalyst to form the Roundtable to collaboratively address some significant challenges we faced in improving public safety through our flood control system while at the same time protecting and conserving riparian habitat values. I understand the Policy Guidance Letter - Variance from Vegetation Standards for Levees and Floodwalls is near completion. My concern is that the draft guidance being developed at Corps Headquarters has been done without engaging any state or local stakeholders and does not support the collaborative spirit of the Roundtable. I had hoped that the guidance would be developed using a process that reflects our partnership with the Corps in flood protection, particularly considering California's demonstrated commitment to our flood control system and the unique challenges we face with regard to the natural resources within our system.

The Board and the Roundtable have not seen the details of the policy guidance but trust the Corps will allow sufficient time for discussion and comments prior to adopting or changing policy that may have significant impacts on our continued progress toward system improvements. I understand that the California Department of Water Resources has expressed similar concerns in a letter to Ms. Jo-Ellen Darcy dated January 13, 2010.

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We also hope that any change in policy shall take full advantage of the scientific research on the effects of vegetation on levee safety currently being conducted by the Corps and the California Levee Vegetation Research Program.

The next Roundtable meeting is scheduled for February 25, 2010 in Sacramento. I will ensure that the variance process and research status updates are on the agenda and look forward to seeing Mr. Hecker and others from the Corps in Sacramento to participate in the discussion. It would be very helpful if Corps Headquarters could share the draft guidance with the Roundtable in advance so that we may have a productive discussion. It is my hope that through the Roundtable the Corps Headquarters will become more involved in the policy discussions revolving around the California Central Valley Flood Protection Plan, in particular, the structural and environmental stewardship issues, to ensure compliance with Corps policies.

Thank you very much for your support of the California Levees Roundtable. Together as partners we will improve flood safety while preserving our natural resources. If you have any questions, please don't hesitate to contact me at 530-682-9700. I look forward to seeing you again soon.

Sincerely,

A handwritten signature in dark ink, appearing to read "Benjamin Carter", with a stylized flourish at the end.

Benjamin F. Carter
President

cc: (see attached list)

Mr. Lester Snow, Secretary
California Natural Resources Agency
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Mr. Mark Cowin, Director
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